

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Rao, Kate[Rao.kate@epa.gov]
Cc: Montgomery, Michael[Montgomery.Michael@epa.gov]
From: Albright, David
Sent: Wed 2/4/2015 8:09:18 PM
Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Sounds good for its purpose. Thanks.

From: Skadowski, Suzanne
Sent: Wednesday, February 04, 2015 12:07 PM
To: Rao, Kate; Albright, David
Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Here's the tweaked version I'd like to send back to OCIR and to Feinstein's office. I tweaked it slightly so that it is more of a stand-alone blurb, with all acronyms explained. Though a couple things I noticed missing from this summary was an explanation of aquifer exemptions (which we do need to add to the comms plan messages or Qs/As) and a quick explanation of the <3000 TDS aquifer category (which I added in red below, lifted from the comms strategy). Maybe working on this blurb a bit more would be helpful to use in the Comms Strategy and on the soon-to-be-developed webpage.

On July 17 and December 22, 2014, U.S. EPA Region 9 sent letters to California's Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) and Water Resources Control Board (Water Board) (collectively, the State) highlighting concerns, providing direction and requesting information about DOGGR's implementation of its underground injection control program for oil and gas-related (Class II) wells. EPA Region 9 audited DOGGR's Class II UIC primacy program in 2011 and identified substantial implementation deficiencies and, in 2012, conducted a review of aquifer exemptions that raised questions about the alignment of injection wells with EPA-approved exemption boundaries. EPA's letters responded to DOGGR's lack of progress in addressing these issues over the prior two years. Further, in the first half of 2014, the State identified some injection wells that the State had authorized to inject Class II fluids into aquifers with less than 3,000 ppm Total Dissolved Solids (a category of aquifers that would typically warrant protection for potential future use as drinking water under the Safe Drinking Water Act), that EPA had not exempted, and the State subsequently shut down these injection wells. EPA has been meeting regularly with senior officials with the Department of Conservation, DOGGR, the Water Board and the Central Valley Regional Water Board to discuss the State's ongoing assessment of drinking water sources that may be impacted by improper injection, documentation pertaining to aquifer

exemptions in California, and specific data about any Class II injection wells that may be injecting into non-exempt aquifers. EPA's December 22 letter directs the State to submit a Program Revision Plan by February 6, 2015 providing for full compliance with the SDWA by February 2017. While EPA's letter directed the State to ensure that the Plan will bring the State's injection program back into full compliance with the Safe Drinking Water Act (SDWA) by 2017, EPA and the State will also continue to pursue immediate action to shut down any injection wells that are found to be in close proximity to current drinking water supply wells.

Suzanne Skadowski

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From: Rao, Kate

Sent: Wednesday, February 04, 2015 11:44 AM

To: Albright, David; Skadowski, Suzanne

Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Did a quick comparison and last sentence is only addition.

Kate Rao

Drinking Water Protection Section (WTR 3-2)

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From: Albright, David

Sent: Wednesday, February 04, 2015 11:40 AM

To: Skadowski, Suzanne; Rao, Kate

Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

I don't recall, I may have made other (albeit small) changes.

From: Skadowski, Suzanne
Sent: Wednesday, February 04, 2015 11:38 AM
To: Rao, Kate
Cc: Albright, David
Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Thanks! I will send an update to Carolyn for McNerney's request and I will use this updated version for the response to Feinstein's office.

You just added the last sentence right? No other edits? I ask because I tweaked the summary to send to OCIR which spelled out some of the acronyms.

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From: Rao, Kate
Sent: Wednesday, February 04, 2015 11:20 AM
To: Skadowski, Suzanne
Cc: Albright, David
Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Shoot Suzanne – I didn't see this request from McNerney and have a slightly different summary that David wanted you to use.

California UIC Program: On July 17 and December 22, 2014, Region 9 sent letters to the Department of Conservation, Division of Oil and Gas (DOGGR) and State Water Board highlighting concerns, providing direction and requesting information about DOGGR's

implementation of its underground injection control program for oil and gas-related (Class II) wells. The Region audited DOGGR's Class II UIC primacy program in 2011 and identified substantial implementation deficiencies and, in 2012, conducted a review of aquifer exemptions that raised questions about the alignment of injection wells with EPA-approved exemption boundaries. EPA's letters responded to DOGGR's lack of progress in addressing these issues over the prior two years. Further, in the first half of 2014, the State identified some injection wells that the State had authorized to inject Class II fluids into aquifers with less than 3,000 ppm Total Dissolved Solids, that EPA had not exempted, and the State subsequently shut down these injection wells. EPA has been meeting regularly with senior officials with the Department of Conservation, DOGGR, and State Water Resources Control Board and the Central Valley Regional Board to discuss the State's ongoing assessment of drinking water sources that may be impacted by improper injection, documentation pertaining to aquifer exemptions in California, and specific data about any Class II injection wells that may be injecting into non-exempt aquifers. Our December 22 letter directs the State to submit a Program Revision Plan by February 6, 2015. While EPA's letter directed the State to ensure that the Plan will bring the State's injection program back into full compliance with the SDWA by 2017, EPA and the State will also continue to pursue immediate action to shut down any injection wells that are found to be in close proximity to current drinking water supply wells.

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From: Skadowski, Suzanne
Sent: Wednesday, February 04, 2015 11:15 AM
To: Rao, Kate; Montgomery, Michael; Albright, David; Diamond, Jane; Zito, Kelly; Keener, Bill; Dermer, Michele
Cc: Maier, Brent; Mogharabi, Nahal
Subject: FW: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

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From: Skadowski, Suzanne
Sent: Wednesday, February 04, 2015 11:12 AM
To: Levine, Carolyn; Davis, CatherineM
Subject: RE: Rep. McNerney inquiry re: Clean water protection, House Energy and Commerce Committee 2/5 hearing on drinking water legislation

Carolyn and Cathy,

As requested, below is a summary of EPA Region 9's review of the state of California's Underground Injection Control (UIC) Class II Program. And attached is a Dec. 22 EPA letter to the state requesting submittal by Feb. 6 a plan to achieve compliance with the Safe Drinking Water Act (SDWA) -- as was mentioned in the SF Chronicle and Think Progress articles this week.

On July 17 and December 22, 2014, EPA Region 9 sent letters to California's Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) and Water Resources Control Board (the State) highlighting concerns, providing direction and requesting information about DOGGR's implementation of its underground injection control program for oil and gas-related (Class II) wells. The Region audited DOGGR's Class II UIC primacy program in 2011 and identified substantial implementation deficiencies and, in 2012, conducted a review of aquifer exemptions that raised questions about the alignment of injection wells with EPA-approved exemption boundaries. EPA's letters responded to DOGGR's lack of progress in addressing these issues over the prior two years. Further, in the first half of 2014, the State identified some injection wells that the State had authorized to inject Class II fluids into aquifers with less than 3,000 ppm Total Dissolved Solids, that EPA had not exempted, and the State subsequently shut down these injection wells. EPA has been meeting regularly with senior officials with the Department of Conservation, Division of Oil, Gas, and Geothermal Resources, the State Water Resources Control Board and the Central Valley Regional Water Board to discuss the State's ongoing assessment of drinking water sources that may be impacted by improper injection, documentation pertaining to aquifer exemptions in California, and specific data about any Class II injection wells that may be injecting into non-exempt aquifers. EPA's December 22 letter directs the State to submit a Program Revision Plan by February 6, 2015 providing for full compliance with the SDWA by February 2017.

Please let me know if you have questions or need any more information from us. Thank you!

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From: Levine, Carolyn
Sent: Wednesday, February 04, 2015 8:57 AM
To: Skadowski, Suzanne
Cc: Maier, Brent; Davis, CatherineM
Subject: Rep. McNerney inquiry re: Clean water protection

Hi Suzanne,

In Brent's absence, I am passing on an inquiry from Congressman Jerry McNerney's staff on the House Energy and Commerce Committee regarding this article:
<http://thinkprogress.org/climate/2015/02/02/3618295/california-allows-oil-companies-to-pollute-drinking-water-sources/>

The Committee is holding a hearing tomorrow on drinking water legislation, so the Congressman's staff is asking for additional clarification to the requirement referenced in the article for California to provide EPA with a plan by February 6.

Can you please let Cathy Davis and I know if the region has any additional information that we can provide to address this article or the alleged ww injection into drinking water? We are trying to prep our OW witness for the hearing as well as respond to the Congressman's office.

Thank you!

Carolyn

Carolyn Levine

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